



COMDTINST 12713.20

NOV 22 1993

COMMANDANT INSTRUCTION 12713.20

Subj: AFFIRMATIVE ACTION IN EMPLOYEE SELECTION DECISIONS

Ref: (a) Coast Guard Civilian AEP, COMDTINST 12713.13
(b) Merit Promotion Program, COMDTINST 12335.1 (Series)

1. PURPOSE. To provide guidelines to all military and civilian managers and supervisors on civilian affirmative employment program (AEP) goals, employment selection decisions, and the elimination of work force imbalances.
2. ACTION. Area and district commanders, commanders maintenance and logistics commands, commanding officers of headquarters units, Commander, Coast Guard Activities Europe; and chiefs of offices and special staff divisions at Headquarters shall ensure compliance with the provisions of this instruction.
3. DISCUSSION.
 - a. Command AEP goals established by maintenance and logistics commands, districts, Headquarters units, and Coast Guard Headquarters are an effort to correct work force imbalances at the local level. When a work force imbalance exists as defined by reference (a), it is proper and permissible for a selecting official to consider unit AEP goals when selecting from a merit promotion list or any other selection source. However, the selectee's race, sex, or ethnicity shall not be the single determinative factor in the selection.

b. The four critical areas in the employee selection process are:

- (1) Civil Rights Officers providing selecting officials with specific information on underrepresentation by series, grade and occupational category, based on the local or national civilian labor force data;
- (2) Servicing civilian personnel officials providing selecting officials with "certificates of eligibles" which include minorities and women in accordance with the guidance in reference (b);
- (3) Selecting officials assuring that all applicable personnel policies and procedures are followed in the recruitment and selection process, and that all selection decisions are legally sound (e.g., that the selecting official can articulate and produce evidence of legitimate nondiscriminatory reasons for his/her selection decision(s)); and
- (4) Military or civilian supervisors evaluating subordinate managers' and supervisors' (selecting officials') demonstrated performance in diversity precepts as they apply to equal employment opportunity concepts and efforts to comply with the AEP guidance outlined in reference (a).

c. In those instances where women and minorities generally are not appearing on certificates for consideration, the servicing Civilian Personnel Office should be contacted by unit selecting officials to develop proactive recruiting strategies to target underrepresented groups. The process of using unit Affirmative Employment Program goals as one of the factors in employee selection is an appropriate remedial step in the elimination of work force imbalances.

/s/ W. R. SOMERVILLE

CHIEF, OFFICE OF CIVIL RIGHTS